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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

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AZ CORP. COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

**DOCKETED**

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FIDENCE DEVELOPMENT, LLC

Complainant,

v.

ARIZONA-AMERICAN WATER COMPANY,

Respondent.

DOCKET NO. W-01303A-09-0097

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On March 2, 2009, Fidence Development, LLC ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint ("Complaint") against Arizona-American Water Company ("AZ-American" or "Respondent").

On March 11, 2009, counsel for AZ-American filed a Notice of Appearance.

On March 25, 2009, the parties filed a joint Notice of Stipulated Extension, stating that the parties agree to extend the time for AZ-American to file its Answer to the Complaint until April 8, 2009.

On April 8, 2009, the parties filed a second joint Notice of Stipulated Extension, stating that the parties agree to extend the time for AZ-American to file its Answer to the Complaint until April 15, 2009.

On April 17, 2009, AZ-American filed its Answer to the Complaint.

On May 2, 2009, by Procedural Order, the matter was set for a Procedural Conference to commence on June 2, 2009.

On June 2, 2009, a Procedural Conference was held as scheduled. Staff and the parties appeared through counsel. During the conference, the parties were directed to engage in settlement discussions and to file an update regarding the status of the discussions by July 2, 2009.

1 On July 2, 2009, the parties filed a joint filing requesting an additional forty-five (45) days or  
2 until August 17, 2009, to continue settlement discussions.

3 On August 17, 2009, the parties filed a second joint filing requesting an additional sixty (60)  
4 days or until October 16, 2009, to continue settlement discussions.

5 On October 16, 2009, the parties filed a third joint filing requesting additional time for  
6 settlement discussions until December 15, 2009.

7 The request for additional time is reasonable. However, in light of the on-going settlement  
8 discussions, the request for additional time should be extended to January 30, 2010. If the parties  
9 reach settlement or settlement discussions are discontinued prior to the January 30, 2010 date, the  
10 parties may make a filing in this docket requesting the matter be set for hearing or any other  
11 appropriate filing.

12 IT IS THEREFORE ORDERED that the parties shall make a joint filing updating the  
13 Commission on the status of the Complaint on or before **January 30, 2010**.

14 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
15 Communications) applies to this proceeding.

16 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
17 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
18 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to  
19 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
20 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by  
21 the Administrative Law Judge or the Commission.

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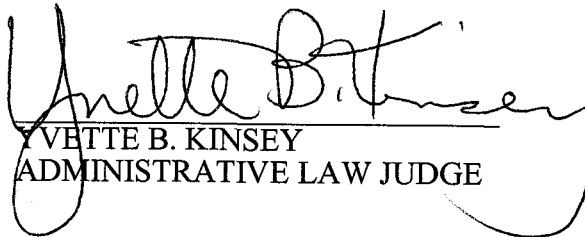
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IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 4<sup>th</sup> day of November 2009.

  
YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

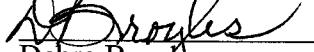
Copies of the foregoing mailed/delivered this 4<sup>th</sup> day of November 2009 to:

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By:   
Debra Broyles  
Secretary to Yvette B. Kinsey